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| **Appeal Decision** |
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| **by Claire Tregembo BA(Hons) MIPROW** |
| **An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 07 November 2022** |

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| **Appeal Ref: FPS/P2745/14A/9** |
| * This Appeal is made under Section 53 (5) and Paragraph 4 (1) of Schedule 14 of the Wildlife and Countryside Act 1981 against the decision of North Yorkshire County Council not to make an Order under section 53 (2) of that Act.
* Two applications dated 27 October 2002 were refused by the Council on 6 September 2021.
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| * The appellant claims that the Footpaths 20.43/32/1 and 20.57/41/2 should be upgraded to bridleway; and also that definitive map and statement of public rights of way should be modified by adding the bridleway as shown on the plan appended to this decision.

**Summary of Decision: The Appeal to upgrade the footpath to bridleway is dismissed. The Appeal to add a bridleway is allowed.**  |
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Preliminary Matters

1. I have been directed by the Secretary of State for Environment, Food and Rural Affairs to determine this appeal under Section 53(5) and Paragraph 4(1) of Schedule 14 of the Wildlife and Countryside Act 1981 (the 1981 Act).
2. Two definitive map modification order applications were made by the appellant in October 2002. One was to upgrade two existing footpaths to bridleways, labelled A-B-D on the appended plan, between Hurgill Road at the northern end and an existing bridleway at the southern end. The second application was to add a bridleway leaving the previous application route at point B and heading southeast to the existing bridleway at point C. The existing bridleway is shown on the appended plan with a solid line with cross bars and continues east to Richmond and west to Clapgate Bridge Road, northeast of Marske. An existing footpath also heads south from point B and joins the existing bridleway midway between C and D, but this is not shown on the plan. An additional plan showing the wider area, including Richmond, Marske and Whitcliffe Wood is also appended.
3. As the routes were connected and relied upon the same evidence, North Yorkshire County Council (The Council) determined both applications together, declining to make an Order for any part of the claimed bridleways. The appellant has submitted one appeal for both the addition and upgrade.
4. The appeal has been determined on the papers submitted. I have not visited the site, but I am satisfied that I can make my decision without the need to do so.
5. Submissions have been made in support of the claimed bridleways by the British Horse Society (the appellant). The Council and several landowners provide evidence contesting the claimed bridleways.

Main Issues

1. When a right of way is already shown on the definitive map and statement (DMS) (in this case section A-B-D), Section 53 (3)(c)(ii) of the 1981 Act provides that a modification order should be made on the discovery of evidence which, when considered with all other relevant evidence available, shows that a highway shown therein as a highway of a particular description ought to be shown as a highway of a different description. The evidential test to be applied is on the balance of probabilities.
2. When a route is not shown on the DMS (in this case section B-C), section 53(3)(c)(i) of the 1981 Act provides that a modification order should be made on the discovery of evidence which, when considered with all other relevant evidence available, shows that a right of way which is not shown subsists or is reasonably alleged to subsist over land in the area to which the map relates.
3. In arriving at my conclusions, I have taken account of the evidence submitted by the parties, the relevant parts of the 1981 Act and the findings of the Courts in the cases of *Secretary of State for the Environment ex parte Bagshaw and Norton* (QBD) [1994] 68 P & CR 402 [1995] (Bagshaw and Norton) and *R v Secretary of State for Wales ex parte Emery* [1996] 4 All ER 367 (Emery).
4. As made clear by the High Court in Bagshaw and Norton, when a route is not shown on the DMS, this involves two tests:

Test A - Does a right of way subsist on the balance of probabilities?

Test B - Is it reasonable to allege that a right of way subsists? For this possibility to exist, it will be necessary to show that a reasonable person, having considered all the relevant evidence available, could reasonably allege that a right of way subsists.

1. In relation to Test B, the Court of Appeal recognised in the Emery case that there may be instances where conflicting evidence was presented at the schedule 14 stage. In Emery, Roche LJ held that ‘…The problem arises where there is conflicting evidence…In approaching such cases, the authority and the Secretary of State must bear in mind that an order…made following a Schedule 14 procedure still leaves both the applicant and objectors with the ability to object to the order under Schedule 15 when conflicting evidence can be heard and those issues determined following a public inquiry.’
2. Roche LJ also held that ‘where the applicant for a modification order produces credible evidence of actual enjoyment of a way as a public right of way over a full period of 20 years, and there is a conflict of apparently credible evidence in relation to one of the other issues which arises under section 31, then the allegation that the right of way subsists is reasonable and the Secretary of State should so find, unless there is documentary evidence which must inevitably defeat the claim for example by establishing incontrovertibly that the landowner had no intention to dedicate or that the way was of such a character that use of it could not give rise at common law to any presumption of dedication’.
3. The case in support relies predominantly on historical documents and maps. I need to consider if the evidence provided is sufficient to infer the dedication of higher public rights over the claimed routes at some point in the past. Section 32 of the Highways Act 1980 (the 1980 Act) requires a court or tribunal to take into consideration any map, plan or history of the locality, or other relevant document which is tendered in evidence, giving it such weight as appropriate, before determining whether or not a way has been dedicated as highway.
4. Some user evidence has also been submitted in support of the Order. Section 31 of the 1980 Act relies on a statutory presumption of dedication as a highway where it has been actually enjoyed by the public as a right of way and without interruption for a full period of twenty year. The date when the public’s rights to use the routes was brought into question would need to be established. I would then need to determine if use by the public occurred for a twenty year period prior to this that is sufficient to raise a presumption of dedication. If this was the case, I must then consider if there is sufficient evidence that there was no intention on the part of the landowner to dedicate public bridleways during this period.
5. Under common law, an inference that a way has been dedicated for public use may be drawn when the actions of the landowners (or lack of action), indicate that they intended a way to be dedicated as a highway and where the public have accepted that dedication. Use by the public can be evidence of the intention to dedicate; this use should be as of right without force, secrecy, or permission. There is no fixed period of use at common law and use may range from a few years to several decades, based on the facts of the case. The more intensive and open the use, the shorter the period required to raise the inference of dedication. The burden of proof lies with the claimant to demonstrate that the evidence is sufficient to indicate an intention of dedication.

Reasons

*The Richmond Inclosure Act 1802 and Award 1810*

1. The Richmond Inclosure Act 1802 gave the commissioners powers to set out public and private roads, footpaths, ways, public quarries for the repair of roads and watering places. After staking them out the commissioner was required to make a valuation of all the residual lands.
2. The 1810 Inclosure Award set out five quarries ‘for the purpose of getting stone and other materials for making and repairing the public and private roads’ and for watering places. The appellant believes that the quarry set out as ‘one other such quarry in the said Out Moor… at the top of a certain place there called Deep Gate Head’ indicates a road running up Deep Dale; section A-B of the claimed bridleways. Out Moor is shown on the Award Map on the north side of Hurgill Road and not accessed directly off the claimed bridleways. I accept the appellants arguments that ‘gate’ is an historic term for road, and that Deep Gate Head could be another name for Deep Dale, but this does not indicate public rights here nor their status.
3. The eastern end of the existing bridleway from Richmond to the western boundary of Whitcliffe Wood (see the wider plan of the area) was set out as ‘one private or occupation road’ called Westfield and Applegarth Road. It commenced at ‘the south east corner of the said Wesfield’ and headed west until it reached ‘that part of the pasture which hath been usually called Whitcliffe Wood’. From there it continued through Whitcliffe Wood in a westward direction until it reached ‘that part of the ancient Inclosure called Applegarth’. From there it diverged ‘into two roads nearly parallel to each other towards the west end’.
4. The existing bridleway is shown on the Award Map with double solid edges from Richmond to the western boundary of Whitcliffe Wood, with a fork heading northwest shortly before the wood ends. It is not shown west of the woods. The wood ends approximately 250 metres further west than today, and the fork is near the modern boundary of the wood. This fork is shown on the DMS as the junction of a cul-de-sac footpath and the existing bridleway. The appellant believes that this fork depicts the start of the claimed bridleways at point C, and that it was not shown west of Whitcliffe Wood because it was unfenced across the Applegarth pasture. However, the fork shown on the Award Map is within the wood, almost a kilometre east of point C. Therefore, the Award Map does not show any part of the claimed bridleways.
5. The private roads were ‘for the use or convenience of all and every the several owners and proprietors of ancient enclosed lands or recent new allotments adjoining or contiguous thereunto… to be used at all times hereafter by all and every such owner or proprietor their heirs or executors administrators or assigns and his heirs and their several and respective servants stockmen tenants and occupiers and as to the carriage roads and their carts carriages horses beasts sheep or other cattle at all time of the year at their free will and pleasure without restraint let or hinderance from any person whomsoever’. The appellant argues that they were awarded to such a wide group of people they were effectively common or public roads. I agree that this description is of a wide group of people and could suggest public rights.
6. The appellant also argues that the claimed bridleways would have been used to transport stone from the quarry on Out Moor to repair Westfield and Applegarth Road. Therefore, they would have public rights of at least bridleway status.
7. The Inclosure Award refers to two private roads continuing west of Whitcliffe Wood across the Applegarth Inclosure, although they do not describe or show their alignment across it. As the eastern end of the existing bridleway is described in the Award and shown on the Map, one of these roads is likely to be the existing bridleway. The other road could be part or all of the claimed bridleways.

*The Richmond Tithe Map 1840*

1. On the Richmond Tithe Map 1840 section A-B-C of the claimed bridleways is shown with double dashed lines running through parcels 103 and 107. The north eastern end of section B-D is shown running through a boundary and is labelled ‘From Marske’. The existing bridleway is not shown between C and D but is shown continuing east from C with double dashed lines. The existing footpath heading south from point B is also shown in the same way.
2. Parcel 102 is at the northern end of the claimed bridleways abutting Hurgill Road. It is listed as ‘Top Gill Quarry’, owned and occupied by the ‘Overseers of the Highways of the Parish of Richmond’. I have not been provided with the details of any other parcels.
3. There is no key on the Tithe Map. The appellant provides extracts of Lt. R. K Dawson’s Recommended Conventional Signs for Use on Tithe Maps. It shows bridleways with double dashed lines coloured brown. Although the claimed bridleways are shown on the Tithe Map with double dashed lines, they are not coloured, and other routes do not use the same styles shown in the conventions. These line styles were not used in the Tithe Map so the key does not assist in determining the status of the claimed bridleways.
4. The purpose of tithe records was to identify titheable land that was capable of producing crops. They were not produced to record public rights of way, although they can sometimes be helpful in determining the existence and status of such routes. As the existing footpath and bridleway are shown in the same way as section A-B-C, this suggests public rights but does not indicate status. The indication that the claimed bridleways continues to Marske from point B is also suggestive of public rights along section B-D, but not status.

*Commercial Maps*

1. Jeffery’s 1771 map shows section A-B of the claimed bridleways with double dashed lines. It is shown continuing to C and along the existing bridleway heading east with double solid lines. The key refers to these as open and enclosed roads respectively.
2. Laurie & Whittle’s New Map of the County of York 1806 shows section A-B-C of the claimed bridleways with double solid edges, it then continues east along the existing bridleway. The key shows these as ‘cross roads’.
3. Cary’s 1808 map shows section A-B of the claimed bridleways with double dashed lines. It is shown faintly continuing east into the existing bridleway.
4. Tuke’s 1816 map shows section A-B-C of the claimed bridleways and existing bridleway heading east with double dashed lines. The key shows these as ‘other roads’.
5. The Geographica Road Map for North Yorkshire and Durham 1923 shows the claimed and existing bridleways with double solid edges. The key indicates these are ‘other roads (subject to rights of way)’.
6. On Johnson’s Road Map circa 1950s all the claimed bridleways are shown with double solid edges which the key indicates are ‘other roads’. The existing bridleway heading east and west are shown in the same way, but the section between C and D is not shown.
7. The appellant argues that only important roads, not footpaths, were shown on small scale commercial maps, and that cross roads were minor public roads as confirmed by *Hollins v Oldham* [1995] C94/0206. However, the judge also found that just because a mapmaker regarded a way as public, it did not mean they were correct. ‘The whole of the documents have to be examined to assess their reliability.’
8. The commercial maps indicate the existence of parts or all of the claimed bridleways, although their scale is too small to determine the exact alignment. They are suggestive of public rights, possibly higher than footpath, although they do not provide a reliable indication of status.

*Ordnance Survey Maps*

1. On the 1857 Ordnance Survey (OS) six inch to the mile map the claimed and existing bridleways are shown with double dashed lines. An additional route is also shown in the same way between the two forks south of point B parallel to the existing bridleway. A limestone quarry is shown near the northern end just south of point A. The appellant argues this is a relocation of the public quarry set out in the Inclosure Award on Out Moor and shown on the Tithe Map. Therefore, public rights of at least bridleway status must have existed along the claimed routes.
2. Section A-B-C of the claimed bridleways and the existing bridleway are shown on the 1860 OS one inch to the mile map with double dashed lines. The key indicates that this is either an unfenced other road, or a track. The appellant claims that this map did not show footpaths, presumably because the key does not show them. However, roads could be used as a generic term to refer to all categories of roads, including foot roads.
3. The 1892 Boundary Remarks show the claimed and existing bridleways with double dashed lines. The junction of the two claimed bridleways is enlarged to show the location of the boundary more clearly, with the western fork passing through the boundary wall.
4. The 1893 OS twenty five inch to the mile map shows the claimed bridleways with double dashed lines. The existing footpath heading south from B is shown in the same way as is the existing bridleway, but it is labelled *F.P.* The quarry shown on the 1857 OS map is now labelled ‘Old Quarry’.
5. On the 1898 OS one inch to the mile map the claimed bridleways are shown with a mix of double solid and dashed lines which the key indicates are fenced or unfenced unmetalled roads. The existing footpath south of B and most of the existing bridleway are shown in the same way. However, between C and D the existing bridleway is shown with a single dashed line, which the key indicates is a footpath. This suggests that the claimed bridleways could carry higher rights than footpath.
6. The appellant argues that the OS surveyors were instructed to only show paths leading to well defined objects of use or interest and not to show convenient footpaths for the use of a household, cottage, or farm. Therefore, the claimed bridleways must have been public because they were shown on the OS map. However, the landowners point out that tracks which only provide access to Park Top Farm were shown in the same way as the claimed bridleways. This would indicate that private access tracks were also shown.
7. The OS maps provide evidence of the physical existence of the claimed bridleways. However, since the late 19th Century, OS maps have carried a disclaimer that tracks and paths shown provide no evidence of the existence of public rights. Although some of the maps are suggestive of public rights higher than bridleway, it could also be argued that the routes are private access tracks. The claimed bridleways are shown as through routes between public highways.

*Local History Books*

1. The appellant states that the claimed bridleways are described in Green Tracks on the Pennines 1965 by Arthur Raistrick as ‘from Richmond Out Moor the Jagger Road continues by High and Low Applegarth to the ford over the Swale near Colliers Hag’ and is shown on the sketch map accompanying it. This is a small-scale sketch map, presumably by the author, with no indication that it is based on historic mapping. Although it shows section A-B of the claimed bridleways, its scale and contemporary nature mean it is not possible to draw a conclusion as to status.
2. In Swaledale: Valley of the Wild River 1998, Andrew Fleming quotes from F.H. and S.N. Harrison, the History of Yorkshire Volume 1 1879. ‘In 1304 Thomas Robertson of Applegarth and Isabella his wife, were accused of obstructing a certain road in West Applegarth leading “from the town of Richmond to the pasture in Marske and beyond into Swaledale”’. He believes this is likely to be a record of the medieval road between East and West Applegarth. In my view, this is the existing bridleway so does not provide any evidence regarding the claimed bridleways.
3. The appellant states that reference is made to Applegarth Mill in The Lead Industry of Wensleydale and Swaledale Volume 2: The Smelting Mills by Arthur Raistrick. She argues that the claimed bridleways ran between two medieval roads and ore from Applegarth Mill would have been taken along the claimed bridleways. One of the landowners refers to The Northern Mines Research Society investigation in 1992 which concluded that there was no evidence of a mill at Applegarth. If a mill existed, it cannot be assumed that the claimed bridleways were used to transport ore, or that it provides any evidence of public rights.

*User evidence*

1. A letter and map from the BHS representative to the Council in 1988 refers to the claimed bridleways being used because the existing one was obstructed by stiles. It did not indicate how many people were using it, their frequency or period of use. It did state that the section heading north was traditionally used on horseback in connection with Jagger Lane, a bridleway which used to connect to Hurgill Road at the northern end of the claimed bridleways opposite point A.
2. A letter from the Head of the Prior House Field Study Centre to the Council in 1991 referred to a bridleway sign at the top of Deepdale (point A) being removed. He was unsure of the date but had previously written to the Council in 1987, although his concerns about the bridleway pre-dated this by a few years. His letter named two individuals who had ridden up Deepdale. There is no indication in this letter of the period or frequency of use.
3. A statement from one of these individuals dated 29 January 1987 states that he had regularly ridden horses on the bridlepath ‘through East Applegarth Farm running up Deepdale to re-join the Richmond to Marske Road, and the bridlepath through West Applegarth Farm to re-join the Richmond to Marske Road’ until 1972. He did not state when he started using this route, but it is clear that he was using the claimed bridleways.
4. A former resident of Low Applegarth produced a statement of use in 1988. He indicates that the claimed and existing bridleways were used on horse and cart from 1917 to 1947 and were used on horseback until 1955. However, his statement does not indicate if this was public or private use, who was using it or how often. As he lived at Low Applegarth, he most likely had private rights to use the claimed bridleways.
5. User evidence forms have also been provided from three other individuals in 2002 and 2004. They predominantly relate to the existing bridleway, but there are indications that all three used the claimed bridleways as well. One stated that twenty years ago and before, he had cycled the track through the ruins that are now High Applegarth and started up Deepdale to then turn left to West Applegarth at the first or second gates. He initialled the map between B-C and B-D. The section of form indicating his period of use and frequency is not provided. A second person stated she believed the routes to be a bridleways but had only walked them once or twice a year between 1948 and 1989. She believed they were well used and referred to field gates at the top of Deepdale where it meets the Marske Road. A third person annotated section B-C on her map and stated that she ‘usually went up Deepdale alongside old barn, but also ridden from Marske-Richmond Rd via West Applegarth’. She used it on horse between 1948 and 1956 more than ten times a year and had since used it many times on foot. She mentioned two other people who had ridden the routes with her.
6. Statements from residents of the Applegarth’s during the 1940s to 1980s have also been provided. They state that they did not see horse riders using the claimed bridleways and do not have any knowledge of public bridleway rights.
7. The letter from the Head of Prior House indicates that he was concerned about the claimed bridleways in the mid to late 1980s when a bridleway sign at point A was removed, although there is no details about its removal. The existing bridleway appears to have been challenged around this time which led to user evidence being gathered. As the existing bridleway formed a continuation of the claimed bridleways this could indicate a challenge to them indicating a relevant twenty year period between 1965 and 1985.
8. There is user evidence indicating that the claimed bridleways were used between 1948 and 1989 with use on foot, horseback, and bicycle, although limited details are provided. Only two people have indicated when they used it, and most do not indicate their frequency of use. Some have not provided their own evidence and are just named by others. At least one is likely to have had private rights. Some of the evidence was submitted in relation to the existing bridleway which makes it less clear how much of their use related to the claimed bridleways. There is limited information to establish if use was by the public, if there were any interruptions, challenges, secrecy, permission, or force involved. This means it is not possible to determine if there was sufficient use to demonstrate a presumption of dedication under section 31 of the 1980 Act, or an inference of dedication under common law.

*Conclusions on the evidence for A-B-D*

1. Section A-B-D of the claimed bridleways is shown on the DMS as a public footpath, therefore the test to be applied for this section is on the balance of probabilities.
2. These sections of the claimed bridleways are not shown or described in the Inclosure Award or map. It states that two private roads continued across the Applegarth Inclosure, but there is no indication of their alignment.
3. Section A-B is shown on early commercial maps from 1771, but section B-D does not appear until 1923. Section A-B-D is shown on the OS maps from 1857 although section B-D is omitted from the 1860 map. Section A-B is shown on the Tithe Map with an indication at point B that it continues to Marske along section B-D. Some of the maps indicate higher rights than footpath. Others show the claimed bridleways in the same way as existing footpaths, bridleways, or occupation roads. Although they indicate public rights, I do not consider that they reliably indicate status.
4. The appellant argues that a quarry shown on some maps just south of A was a relocation of the public quarry set out in the Inclosure Award. Therefore, higher public rights would have existed over section A-B so that materials could be taken to repair the private roads across the Applegarth Inclosure. There is no evidence before me to indicate that the quarry was public, therefore I can only give limited weight to this view.
5. The appellant also argues that it would have been used to transport lead from a mill and cattle to watering places, but their locations are not shown on the maps. The Northern Mines Research Society have found no evidence of a mill at Applegarth.
6. In my view, when all the documentary evidence is considered, it does not indicate on the balance of probabilities, bridleway rights over section A-B-D of the claimed routes.
7. There is user evidence from several individuals who used this section of the claimed bridleways on horse or bicycle and reference to other users. However, several residents state that they had not seen any use of the claimed bridleways by horse riders and had no knowledge of bridleway rights. The limited detail contained within the user evidence means that it is not possible to demonstrate a presumption of dedication of bridleway rights under the 1980 Act.
8. An inference that a way has been dedicated for public use may also be drawn at common law where the actions of the landowners (or lack of action) indicate that they intended a way to be dedicated as a highway and where the public have accepted it. Although there is some evidence of use, it is limited. There is no evidence before me that indicates an intention to dedicate bridleway rights by the landowner. In these circumstances, it would not be reasonable to infer dedication at common law.

*Conclusions on the evidence for B-C*

1. Section B-C is not currently recorded on the DMS as a public right of way, therefore the required test to be met for this section is that it can be reasonably alleged to subsist.
2. Section B-C is shown on small-scale commercial and OS maps between 1771 and the 1950s as a through route in the same way as other public highways. It is also shown on the Tithe Map in the same way as other public rights of way and forms a continuous route heading east with the existing bridleway. It is shown in the same manner as other public rights of way and some maps are suggestive of higher rights than footpath. Although they suggest public rights, none of these maps provide a reliable indication of status. However, section B-C is consistently shown as a continuation of the existing public bridleway, even on maps where the existing bridleway between C and D is not shown or is only shown as a footpath.
3. The Inclosure Award indicates that two private roads continued across the Applegarth Inclosure west of Whitcliffe Wood. The description is not sufficient to identify their route across Applegarth Inclosure and they are not shown on the Award Map, but one of the roads is probably the existing bridleway. It would be reasonable to allege that the other route is part of the claimed bridleways, particularly as it is consistently shown on commercial and OS maps as a continuation of the existing bridleway. Although the Award Map shows a fork that is not at point C, it could have continued to point C, or the fork could have been in another location as the Award does not provide a description. The appellant argues that the Award set out the private road for such a wide group of people that they were effectively public. I agree that this is suggestive of public rights, although a wider extract of the Award showing how all routes in the Award were set out would assist in determining this.
4. There is evidence of public use over section B-C on foot, horseback and bicycle between 1948 and 1989, although this is disputed by residents. This evidence is not sufficiently detailed to demonstrate a presumption or inference of dedication, but it does show that the public were using this section and could demonstrate continued usage of the public rights indicated in the documentary evidence.
5. There is no one piece of evidence that confirms if section B-C is a public highway or private occupation road and arguments have been made for both options. None of the documents provide a clear indication of the status. However, many are suggestive of higher rights than footpath and it is consistently shown as a continuation of the existing bridleway. The user evidence, although limited, does indicate that the route continued to be used by walkers, horse riders and cyclists until the mid to late 1980s. There is no evidence that any historic public rights have been extinguished.
6. Where there is a conflict of credible evidence, but no clear evidence that a way cannot exist, a conclusion should be drawn that a public right of way can be reasonably alleged to subsist. The evidence provided for and against the claim is credible, although further information and fuller extracts of some documents could provide further information that resolve the conflicts. When the documentary and user evidence is considered as a whole, I consider that there is sufficient evidence to justify an Order being made to record a bridleway over section B-C.

###### Conclusions

1. Having regard to these and all other matters raised in the written representations, I conclude that the appeal should be dismissed for the section of claimed bridleways shown A-B-D on the appended plan.
2. I further conclude that the appeal should be allowed in respect of the section of claimed bridleways shown B-C on the appended plan.

###### Formal Decision

1. I dismiss the appeal for the section of claimed bridleways A-B-D.
2. In accordance with paragraph 4(2) of Schedule 14 of the 1981 Act, North Yorkshire County Council is directed to make an order under section 53(2) and Schedule 15 of the 1981 Act within three months of the date of this decision to add a public bridleway, as proposed in the application dated 27 October 2002 and shown on the plan between B and C appended to this decision.
3. This decision is made without prejudice to any decisions that may be given by the Secretary of State in accordance with his powers under Schedule 15 of the 1981 Act.

Claire Tregembo

INSPECTOR

COPY – MAP SHOWING CLAIMED ROUTES – NOT TO SCALE

